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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,745	11/29/2001	Sanjiv G. Tewani	DP-306477 7500/124	3702

7590

12/09/2005

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EXAMINER

TORRES, MELANIE

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,745

Applicant(s)

TEWANI ET AL.

Examiner

Melanie Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 16, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Graeve et al. (DE 19959391)

Re claims 1, 5 and 9, Graeve et al. disclose a powertrain mount (10) comprising a base plate (11), a molded member (17) connected to the base plate, an orifice plate (14) connected to one of the base plate or the molded member, the orifice plate defining an orifice track (21) having a first cross-sectional area and a slug (22) slidably disposed in the orifice track, the slug having a bore (27) with a second cross-sectional area less than the first cross-sectional area. (Figures 1-4)

Re claims 2, 6 and 10, Graeve et al. disclose at least one stop (35, 24) disposed in the orifice track (21).

Re claims 3, 7 and 11, Graeve et al. disclose wherein the at least one stop (35, 24) limits travel of the slug (22) in the orifice track.

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Re claims 4, 8 and 12, Graeve et al. disclose wherein the bore (27) has a constant cross-sectional area.

Re claims 13, and 14, the mount is capable of use with an engine or transmission.

Re claims 16, 18 and 20, Graeve et al. disclose wherein the length of free travel of the slug is chosen such that its movement is not restricted during small amplitude input displacements to the mount.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouhier (FR 2697603).

Re claims 1, 5 and 9, Bouhier discloses a powertrain mount comprising a base plate (6), a molded member (14) connected to the base plate, an orifice plate connected to one of the base plate or the molded member, the orifice plate defining an orifice track (36) having a first cross-sectional area and a slug (35) slidably disposed in the orifice track, the slug having a bore (19) with a second cross-sectional area less than the first cross-sectional area. (Figures 1 and 2)

Re claims 2, 6 and 10, Bouhier discloses at least one stop (39) disposed in the orifice track.

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Re claims 3, 7 and 11, Bouhier discloses wherein the at least one stop (39) limits travel of the slug in the orifice track.

Re claims 4, 8 and 12, Bouhier discloses wherein the bore (19) has a constant cross-sectional area.

Re claims 13, and 14, the mount is capable of use with an engine or transmission.

Re claims 16, 18 and 20, Bouhier discloses wherein the length of free travel of the slug is chosen such that its movement is not restricted during small amplitude input displacements to the mount.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chauvet et al. (EP 0995927).

Re claims 1, 5 and 9, Chauvet et al. disclose a powertrain mount comprising a base plate (30), a molded member (10) connected to the base plate, an orifice plate (24, 26) connected to one of the base plate or the molded member, the orifice plate defining an orifice track (38) having a first cross-sectional area and a slug (74) slidably disposed in the orifice track, the slug having a bore (76) with a second cross-sectional area less than the first cross-sectional area. (Figures 1-3)

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Re claims 2, 6 and 10, Chauvet et al. disclose at least one stop (80) disposed in the orifice track.

Re claims 3, 7 and 11, Chauvet et al. disclose wherein the at least one stop (80) limits travel of the slug in the orifice track.

Re claims 4, 8 and 12, Chauvet et al. disclose wherein the bore (76) has a constant cross-sectional area.

Re claims 13, and 14, the mount is capable of use with an engine or transmission.

Re claims 16, 18 and 20, Chauvet et al. disclose wherein the length of free travel of the slug is chosen such that its movement is not restricted during small amplitude input displacements to the mount.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-14, 16, 18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

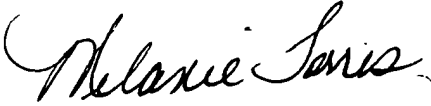
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT  
December 7, 2005

  
Melanie Torres  
Primary Examiner  
12-7-05